

No.

200200039

# THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

**Asgrow Seed Company LLC**

Whereas, THERE HAS BEEN PRESENTED TO THE

Secretary of Agriculture

AN APPLICATION REQUESTING A CERTIFICATE OF PROTECTION FOR AN ALLEGED DISTINCT VARIETY OF SEXUALLY REPRODUCED, OR TUBER PROPAGATED PLANT, THE NAME AND DESCRIPTION OF WHICH ARE CONTAINED IN THE APPLICATION AND EXHIBITS, A COPY OF WHICH IS HEREUNTO ANNEXED AND MADE A PART HEREOF, AND THE VARIOUS REQUIREMENTS OF LAW IN SUCH CASES MADE AND PROVIDED HAVE BEEN COMPLIED WITH, AND THE TITLE THERETO IS, FROM THE RECORDS OF THE PLANT VARIETY PROTECTION OFFICE, IN THE APPLICANT(S) INDICATED IN THE SAID COPY, AND WHEREAS, UPON DUE EXAMINATION MADE, THE SAID APPLICANT(S) IS (ARE) ADJUDGED TO BE ENTITLED TO A CERTIFICATE OF PLANT VARIETY PROTECTION UNDER THE LAW.

NOW, THEREFORE, THIS CERTIFICATE OF PLANT VARIETY PROTECTION IS TO GRANT UNTO THE SAID APPLICANT(S) AND THE SUCCESSORS, HEIRS OR ASSIGNS OF THE SAID APPLICANT(S) FOR THE TERM OF TWENTY YEARS FROM THE DATE OF THIS GRANT, SUBJECT TO THE PAYMENT OF THE REQUIRED FEES AND PERIODIC REPLENISHMENT OF VIABLE BASIC SEED OF THE VARIETY IN A PUBLIC REPOSITORY AS PROVIDED BY LAW, THE RIGHT TO EXCLUDE OTHERS FROM SELLING THE VARIETY, OR OFFERING IT FOR SALE, OR REPRODUCING IT, OR IMPORTING IT, OR EXPORTING IT, OR CONDITIONING IT FOR PROPAGATION, OR STOCKING IT FOR ANY OF THE ABOVE PURPOSE, OR USING IT IN PRODUCING A HYBRID OR DIFFERENT VARIETY THEREFROM, TO THE EXTENT PROVIDED BY THE PLANT VARIETY PROTECTION ACT. (84 STAT. 1542, AS AMENDED, 7 U.S.C. 2321 ET SEQ.)

SOYBEAN

'SN79628'

In Testimony Whereof, I have hereunto set my hand and caused the seal of the Plant Variety Protection Office to be affixed at the City of Washington, D.C. this second day of May, in the year two thousand two.

Attest:

*Benzel*

Commissioner  
Plant Variety Protection Office  
Agricultural Marketing Service

*Seaman*

Secretary of Agriculture

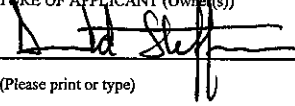
U.S. DEPARTMENT OF AGRICULTURE AGRICULTURAL MARKETING SERVICE SCIENCE DIVISION - PLANT VARIETY PROTECTION OFFICE  <b>APPLICATION FOR PLANT VARIETY PROTECTION CERTIFICATE</b> <i>(Instructions and information collection burden statement on reverse)</i>		The following statements are made in accordance with the Privacy Act of 1974 (5 U.S.C. 552a)  Application is required in order to determine if a plant variety protection certificate is to be issued (7 U.S.C. 2421). Information is held confidential until certificate is issued (7 U.S.C. 2426).	
1. NAME OF APPLICANT(S) <i>(as it is to appear on the Certificate)</i> <b>Asgrow Seed Company LLC</b>		2. TEMPORARY DESIGNATION OR EXPERIMENTAL NUMBER <b>AGQ55910</b>	
4. ADDRESS <i>(Street and No., or R.F.D. No., City, State, and ZIP Code, and Country)</i>  <b>634 E. Lincoln Way Ames, IA 50010</b>		5. TELEPHONE (include area code) <b>515-232-7170</b>	
7. GENUS AND SPECIES NAME <b>Glycine max (L.) Merr.</b>		8. FAMILY NAME (Botanical) <b>Leguminosae</b>	
9. CROP KIND NAME (Common Name) <b>Soybean</b>		FOR OFFICIAL USE ONLY PVPO NUMBER <b>200200039</b>	
10. IF THE APPLICANT NAMED IS NOT A "PERSON", GIVE FORM OF ORGANIZATION (corporation, partnership, association, etc.) (common Name) <b>Corporation</b>		F I L I N G DATE <b>12/05/2001</b>	
11. IF INCORPORATED, GIVE STATE OF INCORPORATION <b>Delaware</b>		F I L I N G FILING AND EXAMINATION FEE <b>\$2,705.00</b>	
12. DATE OF INCORPORATION <b>December 22, 1997</b>		DATE <b>12/05/2001</b>	
13. NAME AND ADDRESS OF APPLICANT REPRESENTATIVE(S), IF ANY, TO SERVE IN THIS APPLICATION AND RECEIVE ALL PAPERS  <b>Donald Steffen 634 E Lincoln Way Ames, IA 50010</b>		CERTIFICATION FEE <b>320.00</b>	
14. TELEPHONE (include area code) <b>515-956-3002</b>		DATE <b>3/8/02</b>	
15. FAX (include area code) <b>515-232-6905</b>			
16. CHECK APPROPRIATE BOX FOR EACH ATTACHMENT SUBMITTED (Follow instructions on reverse) <input checked="" type="checkbox"/> a. Exhibit A. Origin and Breeding History of the Variety <input checked="" type="checkbox"/> b. Exhibit B. Statement of Distinctness <input checked="" type="checkbox"/> c. Exhibit C. Objective Description of the Variety <input checked="" type="checkbox"/> d. Exhibit D. Additional Description of the Variety <input checked="" type="checkbox"/> e. Exhibit E. Statement of the Basis of the Applicant's Ownership <input checked="" type="checkbox"/> f. Voucher Sample (2,600 viable untreated seeds or, for tuber propagated varieties verification that tissue culture will be deposited and maintained in a public repository) <input checked="" type="checkbox"/> g. Filing and Examination Fee (\$2,705), made payable to "Treasurer of the United States" (Mail to PVPO)			
17. DOES THE APPLICANT SPECIFY THAT SEED OF THIS VARIETY BE SOLD BY VARIETY NAME ONLY, AS A CLASS OF CERTIFIED SEED? (See Section 83(a) of the Plant Variety Protection Act) <input type="checkbox"/> YES (if "yes," answer items 18 and 19 below) <input checked="" type="checkbox"/> NO (if "no," go to item 20)			
18. DOES THE APPLICANT SPECIFY THAT SEED OF THIS VARIETY BE LIMITED AS TO NUMBER OF GENERATIONS? <input type="checkbox"/> YES <input type="checkbox"/> NO		19. IF "YES" TO ITEM 18, WHICH CLASSES OF PRODUCTION BEYOND BREEDER SEED? <input type="checkbox"/> FOUNDATION <input type="checkbox"/> REGISTERED <input type="checkbox"/> CERTIFIED	
20. HAS THE VARIETY OR A HYBRID PRODUCED FROM THE VARIETY BEEN RELEASED, USED, OFFERED FOR SALE, OR MARKETED IN THE U.S. OR OTHER COUNTRY? <input checked="" type="checkbox"/> YES (if "yes," give names of countries and dates) <input type="checkbox"/> NO <b>USA - December 11, 2000</b>			
21. The applicant(s) declare that a viable sample of basic seed of the variety will be furnished with application and will be replenished upon request in accordance with such regulations as may be applicable, or for a tuber propagated variety a tissue culture will be deposited in a public repository and maintained for the duration of the certificate. The undersigned applicant(s) is(are) the owner(s) of this sexually reproduced or tuber propagated plant variety, and believe(s) that the variety is new, distinct, uniform, and stable as required in Section 41, and is entitled to protection under the provisions of Section 42 of the Plant Variety Protection Act. Applicant(s) is(are) informed that false representation herein can jeopardize protection and result in penalties.			
SIGNATURE OF APPLICANT (Owner(s)) 		SIGNATURE OF APPLICANT (Owner(s))	
NAME (Please print or type) <b>Donald Steffen</b>		NAME (Please print or type)	
CAPACITY OR TITLE <b>Manager, IP &amp; Regulatory Affairs</b>	DATE	CAPACITY OR TITLE	DATE

EXHIBIT A

**ORIGIN AND BREEDING HISTORY**

1994 - Final cross was made at Isabela, Puerto Rico.

Parentage: A5848//A5979\*2/40-3-2

1995 - F1 generation was grown at Isabela, Puerto Rico and advanced using modified single seed descent.

1995 - F2 generation was grown at Isabela, Puerto Rico and advanced using modified single seed descent.

1996 - F3 bulk populations were grown at Galena, Maryland and single plants pulled.

1996 - F3 derived F4 plants were grown in progeny rows at winter nursery in Argentina and variety SN79628 was selected based on agronomic characteristics.

1997 - F3:5 breeder seed was grown for progeny row increase and at 4 locations in Maryland.

1998 - F6 seed was grown in yield tests at 9 locations in the eastern U.S..

1999 - F7 seed was grown in yield tests at 19 locations throughout the U.S.

Variety SN79628 is uniform and stable within commercially acceptable limits based on trial observations since 1997. As with any other soybean variety, variants can occur for almost any characteristic during the course of repeated sexual reproduction.

ASGROW SEED COMPANY LLC  
PVP APPLICATION - SN79628  
PVP#: 200200039

**EXHIBIT B**

**NOVELTY STATEMENT**

To our knowledge, the soybean varieties that closely resemble SN79628 are A5848 , and AG5602:

1. RR <sup>TM</sup> gene (Tolerance to glyphosate herbicide)	SN79628	- Present
	A5848	- Absent
	AG5602	- Present
2. Hilum color	SN79628	- Imperfect Black
	A5848	- Buff
	AG5602	- Buff
3. Pod Wall color	SN79628	- Tan
	A5848	- Tan
	AG5602	- Tan

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this collection of information is (0581-0055). The time required to complete this information collection is estimated to average 30 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, gender, religion, age, disability, political beliefs, sexual orientation, and marital or family status. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact the USDA's TARGET Center at 202-720-2600 (voice and TDD).

To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, Room 326-W, Whitten Building, 14th and Independence Avenue, SW, Washington, DC 20250-9410 or call (202) 720-5964 (voice and TDD). USDA is an equal opportunity provider and employer.

**U.S. DEPARTMENT OF AGRICULTURE  
AGRICULTURAL MARKETING SERVICE  
SCIENCE AND TECHNOLOGY  
PLANT VARIETY PROTECTION OFFICE  
BELTSVILLE, MD 20705**

**EXHIBIT C  
(Soybean)**

**OBJECTIVE DESCRIPTION OF VARIETY  
SOYBEAN (*Glycine max* (L.) Merr.)**

NAME OF APPLICANT(S) <b>Asgrow Seed Company LLC</b>	FOR OFFICIAL USE ONLY			
ADDRESS (Street and No. or R.F.D. No., City, State, and ZIP Code)  <b>634 E. Lincoln Way Ames, IA 50010</b>	<table border="1"> <tr> <td data-bbox="1144 661 1567 745"> PVP NUMBER <b>200200039</b> </td> </tr> <tr> <td data-bbox="1144 745 1567 819"> VARIETY NAME <b>SN79628</b> </td> </tr> <tr> <td data-bbox="1144 819 1567 896"> TEMPORARY OR EXPERIMENTAL DESIGNATION <b>AGQ55910</b> </td> </tr> </table>	PVP NUMBER <b>200200039</b>	VARIETY NAME <b>SN79628</b>	TEMPORARY OR EXPERIMENTAL DESIGNATION <b>AGQ55910</b>
PVP NUMBER <b>200200039</b>				
VARIETY NAME <b>SN79628</b>				
TEMPORARY OR EXPERIMENTAL DESIGNATION <b>AGQ55910</b>				

PLEASE READ ALL INSTRUCTIONS CAREFULLY: Place the appropriate number that describes the varietal character of this variety in the boxes below.

Place a zero in the first box (e.g. **0 9 9** or **0 9**) when number is either 99 or less or 9 or less respectively. Data for quantitative plant characters should be based on a minimum of 100 plants. Comparative data should be determined from varieties entered in the same trial. Royal Horticultural Society or any recognized color standard may be used to determine plant colors; designate system used:

Please answer all questions for your variety; lack of response may delay progress of your application.

**A. MORPHOLOGY**

**Seed Shape:**

<div style="border: 1px solid black; padding: 5px; width: 40px; text-align: center;">2</div>	<b>1 = Spherical</b> (L/W, L/T, and T/W ratios < 1.2) <b>3 = Elongate</b> (L/T ratio > 1.2; T/W ratio < 1.2)	<b>2 = Spherical-Flattened</b> (L/W ratio > 1.2; L/T ratio < 1.2) <b>4 = Elongate-Flattened</b> (L/T ratio > 1.2; T/W ratio > 1.2)
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**Seed Coat Color:**

<div style="border: 1px solid black; padding: 5px; width: 40px; text-align: center;">1</div>	<b>1 = Yellow</b>	<b>2 = Green</b>	<b>3 = Brown</b>	<b>4 = Black</b>	<b>5 = Other</b> (Please Specify) _____
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**Seed Coat Luster:**

<div style="border: 1px solid black; padding: 5px; width: 40px; text-align: center;">1</div>	<b>1 = Dull</b>	<b>2 = Shiny</b>
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**Seed Size:**

<div style="border: 1px solid black; padding: 5px; width: 30px; text-align: center;">1</div>	<div style="border: 1px solid black; padding: 5px; width: 30px; text-align: center;">4</div>	<div style="border: 1px solid black; padding: 5px; width: 30px; text-align: center;">5</div>	grams/100 seeds
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**Hilum Color:**

<div style="border: 1px solid black; padding: 5px; width: 40px; text-align: center;">5</div>	<b>1 = Buff</b> <b>6 = Black</b>	<b>2 = Yellow</b>	<b>3 = Brown</b>	<b>4 = Gray</b>	<b>5 = Imperfect Black</b>
<b>7 = Other (Please Specify)</b> _____					

**Cotyledon Color:**

<div style="border: 1px solid black; padding: 5px; width: 40px; text-align: center;">1</div>	<b>1 = Yellow</b>	<b>2 = Green</b>
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# A. MORPHOLOGY (Continued)

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## Seed Protein Peroxidase Activity:

0 1 = Low 2 = High

NOT TESTED: 12/7/2001 BT  
Hypocotyl Color:

3 1 = Green 2 = Green with Bronze 3 = Light Purple 4 = Dark Purple extending to  
'Evans' or 'Davis' Bands below Cotyledon below Cotyledons unifoliolate leaves ('Hodgson',  
'Woodworth' or 'Tracy' 'Beeson' or 'Pickett 71' 'Coker', or 'Hampton 266A')

## Leaf Shape:

3 1 = Lanceolate 2 = Oval 3 = Ovate 4 = Other (Please Specify) \_\_\_\_\_

## Flower Color:

2 1 = White 2 = Purple 3 = White with a Purple Throat

## Pod Color:

1 1 = Tan 2 = Brown 3 = Black

## Pubescence Color:

1 1 = Gray 2 = Brown (Tawny) 3 = Light Tawny

## Plant Habit:

3 1 = Determinate 2 = Semi - Determinate 3 = Indeterminate 4 = Intermediate

## Maturity Group:

0	8	1 = 000	2 = 00	3 = 0	4 = I	5 = II
		6 = III	7 = IV	8 = V	9 = VI	10 = VII
		11 = VIII	12 = IX	13 = X	14 = XI	15 = XII

## Maturity Subgroup:

5 Please enter a value from 0 - 9

## B. DISEASE REACTIONS

0 = Not Tested 1 = Susceptible 2 = Resistant 3 = Tolerant

### Bacterial

0 Bacterial Pustule (*Xanthomonas campestris* pv. *glycines* (Nakano) Dye)

0 Bacterial Blight (*Pseudomonas syringae* pv. *glycinea* (Coerper) Young, Dye, & Wilkie)

0 Wildfire Blight (*Pseudomonas syringae* pv. *tabaci* (Wolf & Foster) Young, Dye, & Wilkie)

### Fungal

0 Brown Spot (*Septoria glycines* Hemmi)

B. DISEASE REACTIONS (Continued)      0 = Not Tested      1 = Susceptible      2 = Resistant      3 = Tolerant

Frogeye Leaf Spot (*Cercospora sojae* Hara)

0	race 1	0	race 2	0	race 3	0	race 4
0	race 5	0	race 6		Other (Please Specify) _____		

0	Target Spot ( <i>Corynespora cassiicola</i> (Berk. & Curt.) Wei)
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0	Downey Mildew ( <i>Peronospora trifoliorum</i> var. <i>manchurica</i> (Naum.) Syd. ex Gäum)
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0	Powdery Mildew ( <i>Microsphaera diffusa</i> Cke. & Pk.)
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0	Brown Stem Rot ( <i>Phialophora gregata</i> (Allington & Chamberlain) W. Gams.)
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0	Stem Canker ( <i>Diaporthe phaseolorum</i> (Cke. & Ell.) Sacc. var. <i>caulivora</i> Athow & Caldwell)
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0	Pod and Stem Blight ( <i>Diaporthe phaseolorum</i> (Cke. & Ell.) Sacc. var. <i>sojae</i> (Lehman) Wehm.)
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0	Purple Seed Stain ( <i>Cercospora kikuchii</i> (T. Matsu. & Tomoyasu) Gardener)
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0	Rhizoctonia Root Rot ( <i>Rhizoctonia solani</i> Kühn)
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Phytophthora Root Rot (*Phytophthora megasperma* Drechs. f. sp. *glycinea* (Kuan & Erwin))

1	race 1	2	race 8	1	race 15	1	race 22
2	race 2	1	race 9	1	race 16	1	race 23
2	race 3	1	race 10	1	race 17	1	race 24
2	race 4	2	race 11	2	race 18	2	race 25
2	race 5	1	race 12	1	race 19	1	race 26
1	race 6	2	race 13	1	race 20	0	Other (Please Specify) :
1	race 7	2	race 14	1	race 21		

0	Bud Blight (Tobacco Ringspot Virus)
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0	Yellow Mosaic (Bean Yellow Mosaic Virus)
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0	Cowpea Mosaic (Cowpea Chlorotic Virus)
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0	Pod Mottle (Bean Pod Mottle Virus)
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B. DISEASE REACTIONS (*Continued*)      0 = Not Tested      1 = Susceptible      2 = Resistant      3 = Tolerant

Seed Mottle (Soybean Mosaic Virus)

Nematode

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Soybean Cyst Nematode (*Heterodera glycines* Ichinohe)

<input type="text" value="0"/> race 1	<input type="text" value="0"/> race 4	<input type="text" value="0"/> race 9
<input type="text" value="0"/> race 2	<input type="text" value="0"/> race 5	<input type="text" value="2"/> race 14 (former r. 4)
<input type="text" value="1"/> race 3	<input type="text" value="0"/> race 6	<input type="text"/> Other ( <i>Please Specify</i> ) _____

Lance Nematode (*Hoplolaimus columbus* Sher)

Southern Root Knot Nematode (*Meloidogyne incognita* (Kofoid & White) Chitwood)

Northern Root Knot Nematode (*Meloidogyne hapla* Chitwood)

Peanut Root Knot Nematode (*Meloidogyne arenaria* (Neal) Chitwood)

Reniform Nematode (*Rotylenchus reniformus* Linwood & Olivera)

Javanese Nematode (*Meloidogyne javanica* (Treub) Chitwood)

Other Nematode (*Please Specify*) \_\_\_\_\_

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C. PHYSIOLOGICAL RESPONSES      0 = Not Tested      1 = Susceptible      2 = Resistant      3 = Tolerant

Iron Chlorosis on Calcareous Soil

Phosphorus

Boron

Aluminum

Salt

Drought

Other (*Please Specify*) \_\_\_\_\_



**D. INSECT REACTIONS**

0 = Not Tested

1 = Susceptible

2 = Resistant

3 = Tolerant

☐ 0 Mexican Bean Beetle (*Epilachna varivestis* Mulsant)

2002000392

☐ 0 Potato Leaf Hopper (*Empoasca fabae* (Harris))☐ Other (Please Specify) \_\_\_\_\_**E. HERBICIDE REACTIONS**

0 = Not Tested

1 = Susceptible

2 = Resistant

☐ 2 Metribuzin☐ 0 Bentazone☐ 1 Sulfonylurea☐ 2 Glyphosate☐ 1 Glufosinate☐ 0 Pendimethalin☐ Other (Please Specify) \_\_\_\_\_**F. TRANSGENIC COMPOSITION**

Has the development of the Subject Variety included the insertion or removal of genetic material? ☒ YES ☐ NO  
If yes, please complete the following information requests\*. Use additional pages if necessary.

1. Please state the vector's name:
2. Please state the vector components:
3. Please describe the genetic material successfully transferred into the Subject Variety:
4. Please describe the insertion protocol:

\* A literature citation(s) explaining the four information requests above may be an acceptable alternative to completion of the "Transgenic Composition" portion of this form.

U.S. Patent No. 5,776,760. Issue Date: July 7, 1998. Inventor: Barry, Gerard, and Kishore, Ganesh. Assignee: Monsanto Company. Patent Application No. 484,274.

**ABSTRACT:** Genes encoding a glyphosate oxidoreductase enzyme are disclosed. The genes are useful in producing transformed bacteria and plants which degrade glyphosate herbicide as well as crop plants which are tolerant to glyphosate herbicide.

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**G. BIOCHEMICAL MARKERS**

Please describe any biochemical information here which you believe will be helpful in further describing the Subject Variety (e.g. Simple Sequence Repeats, Restriction Fragment Length Polymorphisms, Isozymic Characterization). Use additional pages if necessary.

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**H. COMMENTS**

ASGROW SEED COMPANY LLC  
PVP APPLICATION - SN79628

**EXHIBIT D**

***ADDITIONAL DESCRIPTION OF INVENTION***

SN79628 is a mid maturity group V variety with resistance to Roundup<sup>™</sup> herbicide . It has very high yield potential. It has superior yields to lines of similar maturity and has excellent agronomic characteristics, including lodging resistance. In tests, it has beaten Hartz 5545RR by 114 % overall, winning at 13 of 19 locations. It is adapted to the mid maturity group V growing areas of Maryland, Missouri, Arkansas, Illinois, Indiana, Tennessee and Kentucky. It has only average appearance.

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U.S. DEPARTMENT OF AGRICULTURE  
AGRICULTURAL MARKETING SERVICE

The following statements are made in accordance with the Privacy Act of 1974 (5 U.S.C. 552a) and the Paper Reduction Act (PRA) of 1995.

**EXHIBIT E**  
**STATEMENT OF THE BASIS OF OWNERSHIP**

Application is required in order to determine if a plant variety protection certificate is to be issued (7 U.S.C. 2421). The information is held confidential until the certificate is issued (7 U.S.C. 2426).

1. NAME OF APPLICANT(S)  Asgrow Seed Company LLC	2. TEMPORARY DESIGNATION OR EXPERIMENTAL NUMBER AGQ55910	1. VARIETY NAME  SN79628
4. ADDRESS (Street and No., or R.F.D. No., City, State, and ZIP, and Country) 634 E. Lincoln Way Ames, IA 50010	5. TELEPHONE (Include area code) 515-232-7170	6. FAX (Include area code) 515-232-6905
		7. PVPO NUMBER 200200039

8. Does the applicant own all rights to the variety? Mark an "X" in the appropriate block.

If no, please explain.

YES ☒ NO ☐

9. Is the applicant (individual or company) a U.S. National or a U.S. based company?

If no, give name of country

YES ☒ NO ☐

10. Is the applicant the original owner?

If no, please answer one of the following: .

YES ☒ NO ☐

a. If the original rights to variety were owned by individual(s), is (are) the original owner(s) a U.S. National(s)?

☐ YES ☐ NO

If no, give name of country

b. If the original rights to variety were owned by a company(ies), is (are) the original owner(s) a U.S. based company?

☐ YES ☐ NO

If no, give name of country

11. Additional explanation on ownership (If needed, use the reverse for extra space):

**Please Note:**

Plant variety protection can only be afforded to the owners (not licensees) who meet the following criteria:

1. If the rights to the variety are owned by the original breeder, that person must be a U.S. national, national of a UPOV member country, or national of a country which affords similar protection to nationals of the U.S. for the same genus and species.
2. If the rights to the variety are owned by the company which employed the original breeder(s), the company must be U.S. based, owned by nationals of a UPOV member country, or owned by nationals of a country which affords similar protection to nationals of the U.S. for the same genus and species.
3. If the applicant is an owner who is not the original owner, both the original owner and the applicant must meet one of the above criteria.

The original breeder/owner may be the individual or company who directed the final breeding. See Section 41(a)(2) of the Plant Variety Protection Act for definitions.

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To file a complaint, write the Secretary of Agriculture, U.S. Department of Agriculture, Washington, D.C. 20250, or call 1-800-245-6340 (voice) or (202) 720-1127 (TDD). USDA is an equal opportunity employer.

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